

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:19-cr-31-SEB-VTW
)	
CHRISTOPHER BRIAN FIELDS,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On January 9, 2020, the Court held a Revocation Hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on December 31, 2019 (Docket No. 5).

Defendant Christopher Brian Fields appeared in person with his appointed counsel Patrick J. Renn. The government appeared by Todd Shellenbarger, Assistant United States Attorney. U. S. Probation appeared by Officer Shallon Alford.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. At the Initial Hearing held on January 7, 2020, the Court advised Mr. Fields of his rights and provided him with a copy of the petition.
2. Mr. Fields waived his right to a preliminary hearing at that time.
3. At the Revocation Hearing on January 9, 2020, the parties advised the Court they had reached an agreement to resolve the allegations in the Petition.
4. After being placed under oath, Mr. Fields admitted Violations 1 and 2. (Docket No. 5.)

5. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 "The defendant should not leave the judicial district or other specified geographic area without the permission of the court or probation officer."**

The probation officer received notice that the offender had contact with Broken Arrow Police Department on December 21, 2019, in Broken Arrow, Oklahoma. Officer Brad Geras confirmed Mr. Fields was pulled over but was released with just a verbal warning. On December 28, 2019, another notice was received that the offender had contact with law enforcement in Scottsdale, Arizona, where the offender was arrested on an old warrant and immediately released with no additional charges or citations. The probation officer called the offender on December 31, 2019, and asked where he was currently located. Mr. Fields advised he was living in his van in Phoenix, Arizona. Mr. Fields was not given permission to leave the Southern District of Indiana

- 2 "The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer."**

The offender failed to advise the probation officer of his contact with law enforcement on December 21, 2019, in Broken Arrow, Oklahoma and in Scottsdale, Arizona, on December 28, 2019.

6. The parties stipulated that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is V.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 7 to 13 months' imprisonment.

7. The parties jointly recommended Mr. Fields' conditions of supervised release be modified to include the following additional conditions:

- (a) The defendant shall submit to location monitoring (GPS) for a period of 6 months, to commence as soon as practical, and shall abide by all the program requirements and

instructions provided. The defendant shall pay all or part of the costs of participation in the program, in accordance with his ability to pay, as determined by the Probation Office.

(b) The defendant shall also be subject to a curfew. The defendant is restricted to his residence every day from 9:00 PM to 6:00 AM.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant VIOLATED the conditions in the petition, and that his supervised release should be MODIFIED to include the following two (2) conditions, in addition to all the conditions previously imposed:

(a) The defendant shall submit to GPS location monitoring for a period of 6 months, to commence as soon as practical, and shall abide by all the program requirements and instructions provided. The defendant shall pay all or part of the costs of participation in the program, in accordance with his ability to pay, as determined by the Probation Office.

(b) The defendant shall also be subject to a curfew. The defendant is restricted to his residence every day from 9:00 PM to 6:00 AM.

The defendant shall be released from custody on January 10, 2020.

The mandatory conditions of supervision, as well as the following conditions of supervision, which were previously imposed on the defendant, shall remain in effect, with the addition of the two (2) new conditions outlined above. It is recommended these conditions be re-imposed to assist the probation officer in supervising Mr. Fields and to ensure the safety of the community.

You shall report to the probation officer in a manner and frequency directed by the court or probation officer.

You shall permit a probation officer to visit you at a reasonable time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.

You shall not knowingly leave the judicial district without the permission of the court or probation officer.

You shall answer truthfully the inquiries by the probation officer, subject to your 5th Amendment privilege.

You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.

You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in residence occupants, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.

You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.

You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.

You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.

You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.

As directed by the probation officer, you shall notify third parties who may be impacted by the nature of the conduct underlying your current or prior offense(s) of conviction and shall permit the probation officer to make such notifications and/or confirm your compliance with this requirement.

You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.

You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary.

You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches.


You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program. The probation officer shall supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You shall pay some or all of the costs of such treatment, if financially able.

You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner. You shall follow the prescription instructions regarding frequency and dosage.

You shall not use or possess alcohol.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 1/10/2020

A handwritten signature in cursive script, reading "Van Willis", is positioned above a horizontal line.

VAN WILLIS
United States Magistrate Judge
Southern District of Indiana

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